

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

Phyto Tech Corp. d/b/a Blue California,
and Conagen Inc.

Plaintiff	Case Number
vs.	
Givaudan SA	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Givaudan SA

Plaintiff	Case Number
vs.	1:18-cv-03588-JGK
Conagen Inc.	
Defendant	

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

An amended complaint was filed on June 29, 2018. A response to the amended complaint is due by July 23, 2018. A telephone conference is planned for Monday, July 9, 2018 in front of Judge John. G. Koeltl.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

These actions concern the same course of dealing between Givaudan SA, Conagen Inc. and Phyto Tech Corp. d/b/a Blue California. These parties are all Covered Parties to a joint venture, known as BGN Tech LLC, pursuant to the BGN LLC agreement. The earlier filed case involves discussions between Conagen and Givaudan regarding investment by Givaudan into Conagen pursuant to that joint venture, and the later filed case involves confidential information provided to Givaudan by Conagen and Blue Cal, also pursuant to that joint venture. As such, Conagen and Givaudan are parties to both cases, and there is substantial factual overlap concerning the transactions and events between the two actions.

Without a determination of relatedness, there would be substantial duplication of effort and expense on both the Court and the parties, as all involved will have to deal with related factual and discovery matters in two separate actions.

Signature: /s/ Katherine A. Helm Date: 7/6/2018

Firm: Dechert LLP